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OFFICE OF PETITIONS

In re Patent No. 6,639,807 :
Issued: 28 October, 2003 :
Application No. 09/546,101 : ON PETITION
Filed: 10 April, 2000 :
Attorney Docket No. 5181- :
37301/P4329 :

This is a decision on the petition filed on 7 November, 2003, which is treated as a petition to waive the rules and correct the assignee data on the front page of the Letters Patent.

The petition under 37 CFR 1.183 to correct the assignee data is **GRANTED to the extent indicated.**

The petition under 37 CFR 1.182 to reprint the front page of the Letters Patent is **GRANTED.**

The name of the assignee will be corrected in accordance with USPTO assignment records. Petitioner should note, however, that the city and state of the assignee as listed in Office assignment records is Palo Alto, CA, not Santa Clara, CA, as requested by petitioner. Therefore, correction of the assignee's address is not appropriate.

Petitioner is advised that it is the practice of the U.S. Patent and Trademark Office (USPTO) to issue a certificate of correction to correct an error on the part of an applicant in those cases where the assignee or attorney data is incorrect or was inadvertently not provided at the time of payment of the issue fee or the inventor's name is misspelled or otherwise incorrect. Note 37 CFR 1.323 and MPEP 1481 (35 U.S.C. 255), which states:

Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred upon good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes as

would constitute new matter or would require re-examination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form.

In view of the above, and since the desired correction of the assignee data can be effected by way of a Certificate of Correction, it is unnecessary to reprint the front page of the Letters Patent.

However, the PTO will reprint the front page if the Letters Patent if the following conditions are met:

1. Submission of a petition under 37 CFR 1.182;
2. Payment of a \$130.00 petition fee; and
3. Payment of a \$100.00 fee to place a certificate of correction in the PTO archives.

Accordingly, since petitioner has met all four conditions noted above, the front page of the Letters Patent will be reprinted to reflect the proper name of the assignee.

Counsel's deposit account, No. 50-1505 will be charged \$130.00 for the petition under 37 CFR 1.183 to waive the rules and correct the assignee data, \$100.00 for the Certificate of Correction, and \$130.00 for the petition under 37 CFR 1.182 to waive the rules and reprint the first page of the Letters Patent.

The file is being forwarded to the Certificates of Correction Branch for appropriate processing of a Certificate of Correction to place in the archives of the PTO. Afterwards, the file will be forwarded to Publishing Division for reprinting of the front page of the original Letters Patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6918.



Douglas I. Wood
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